

Missouri Sentencing Advisory Commission

USING THE NEW SENTENCING TOOLS

University of Missouri School of Law

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SAR IMPLEMENTATION

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The presentation will discuss the progress of the implementation of the Sentencing Assessment Report (SAR) by the Department of Corrections in the context of sentencing discretion.

1. The Aims of Criminal Justice Systems

Before attempting to measure the success of applying a system of recommended sentences it is important to consider the aims of a criminal justice system and whether it is possible to envision an ideal system. Principles of justice are based upon punishment and rehabilitation. Incarceration removes the wrongdoer from society and rehabilitation encourages the wrongdoer to avoid future crime but the principles, however, do not indicate how much incarceration or how much rehabilitation. With the possible exception of premeditated murder, can society know what the ideal sentences for crimes are?

2. Judicial Discretion or Mandated Sentencing

Two forces are often seen to be competing to set sentencing standards: the justice system (the courts, prosecutors, defending attorneys, police, corrections departments and probation and parole boards) and the legislature. In Missouri where is the balance? In the Missouri statutes there are three mechanisms where the legislature attempts to influence sentencing decisions: felony class, enhanced sentences and minimum time served standards.

i) *Felony Class*

The felony class structure established in 1979 sets the authorized sentence range. For lesser crimes the authorized sentence range is restrictive but as the seriousness of the offense increases so does the judicial discretion in sentencing. For the offenders sentenced to prison in 2005 by the Department of Corrections the sentence range that includes 67% of offenders (the standard deviation) increases from +/- 1.1 years for Class D offenders to +/- 7.4 years for Class A offenders and +/- 8.2 years for unclassified felonies. Unclassified felonies mainly comprise serious sex offenses and they have the greatest variation in sentences. Life sentences are computed at 30 years.

Sentences of New Prison Admissions in 2005

Felony Class	Avg Sentence	Standard Deviation
A	17.2	7.4
B	8.4	3.6
C	4.6	2.0
D	3.1	1.1
U	15.7	9.2

ii) Enhanced sentencing

The public is aware of mandated sentences for sex predators and for serious and repeat drug trafficking but enhanced sentences includes prior and persistent enhanced sentencing for which the courts make relatively little use. Today only 8% of incarcerated offenders have an enhanced sentence.

iii) Minimum mandatory prison terms

Minimum time served for repeat or serious offenders became mandatory in 1994. In 2005 26% of offenders admitted to prison for new offense had minimum mandatory prison term and the percentage has not increased over the last four years.

The balance between discretionary or mandated sentencing, therefore, continues to favor court discretion. If discretion is alive and well what are the chances of the courts accepting an advisory system of recommended sentences? First a positive sign.

3. The Reduction in the Prison Population

Since the statewide implementation of the SAR in November 2005 the prison population has declined by 603. Before November the population had been increasing by over 3 offenders per day. The decline in the population in FY 2006 is attributed to a decline in the number of new term prison admissions and an increase in 120-day admissions. The recommended sentences include specific recommendations for institutional shock and treatment programs as alternative sentences.

Institutional Population Growth in FY06

	Population	Change	Rate Per Day	Cum. In FY06
Jul-05	30,359	140	4.52	4.52
Aug-05	30,416	57	1.84	3.18
Sep-05	30,531	115	3.83	3.39
Oct-05	30,654	123	3.97	3.54
Nov-05	30,507	-147	-4.90	1.88
Dec-05	30,446	-61	-1.97	1.23
Jan-06	30,380	-66	-2.13	0.75
Feb-06	30,142	-238	-8.21	-0.32
Mar-06	30,210	68	2.19	-0.03
Apr-06	30,123	-87	-2.90	-0.32
May-06	30,051	-72	-2.32	-0.50

4. Statewide Implementation

The Sentencing Assessment Report (SAR) for pre-sentence investigations went statewide on November 1, 2005. To May 31, there have been 4,886 SARs requested, 4,184 completed and 2,482 offenders have been received by the DOC following a SAR. The average time to complete the SAR is 35 days compared to 41 days for the PSI format.

Pre-Sentence Investigations Requests - January 1, 2005 to May 31, 2006

Request Month	PSI		SAR		SARs Sentenced & Received
	Requested	Completion Days	Requested	Completion Days	
2005-01	434	43	76	30	1
2005-02	416	40	71	30	
2005-03	476	44	68	31	1
2005-04	500	38	82	34	
2005-05	409	43	75	34	12
2005-06	460	44	104	33	33
2005-07	444	38	84	32	45
2005-08	472	39	103	37	60
2005-09	482	40	92	35	72
2005-10	411	37	127	36	68
2005-11	33	42	521	30	67
2005-12	14	60	484	33	139
2006-01	15	51	642	37	361
2006-02	7	51	593	36	370
2006-03	14	47	619	34	439
2006-04	15	25	563	36	388
2006-05	9	25	582	36	426
TOTAL	4,611	41	4,886	35	2,482

(LS57)

All districts are completing pre-sentence investigations in the SAR format.

5. Court Compliance with the Recommended Presumptive Sentence

The analysis of court compliance is based upon the sentencing of offenders for whom a SAR was requested. Because there is a lag of two or more months from request for a SAR and the receipt of the offender by the DOC the number of SARs that are matched with the actual sentence is lower than the number of completed SARs. At present there are 2,482 SARs with a new sentence.

The overall picture indicates that the actual sentencing is sometimes more severe than the recommended presumptive sentence. For all offenses there are 7.8% fewer probation/CSS sentences than recommended and 4.6% more prison sentences than recommended

Presumptive Recommended Sentence and Actual Sentence

Disposition	Recommended Presumptive Sentence		Actual Sentence		Difference %
	#	%	#	%	
Probation or CSS	1,806	71.0%	1,607	63.2%	-7.8%
Shk/Trt	332	13.1%	413	16.2%	3.2%
Prison	404	15.9%	522	20.5%	4.6%
Total	2,542	100.0%	2,542	100.0%	0.0%

(LS49)

The analysis by offense group indicates that violent and sex offenses are more likely to receive a more severe sentence than the recommended presumptive sentence.

- Violent offenses: Prison sentences are 10.5% higher
- Sex offenses: Prison sentences are 20% higher

For Drugs, DWI and Non-violent offenses the differences are less than 5%

**Presumptive Recommended Sentence and Actual Sentence
By Offense Group**

	Recommended Presumptive Sentence	Actual Sentence	Difference
<u><i>Violent</i></u>			
Probation or CSS	48.9%	36.2%	-12.7%
120day Shock	12.7%	14.9%	2.2%
Prison	38.4%	48.9%	10.5%
Total	100.0%	100.0%	0.0%
<u><i>Sex & Child Abuse</i></u>			
Probation or CSS	50.0%	33.8%	-16.3%
120day Shock	11.3%	7.5%	-3.8%
Prison	38.8%	58.8%	20.0%
Total	100.0%	100.0%	0.0%
<u><i>Non-Violent</i></u>			
Probation or CSS	80.9%	73.3%	-7.6%
120day Shock	7.8%	13.0%	5.2%
Prison	11.3%	13.7%	2.4%
Total	100.0%	100.0%	0.0%
<u><i>Drug</i></u>			
Probation or CSS	73.3%	69.3%	-4.0%
120day Shock	17.1%	18.2%	1.1%
Prison	9.5%	12.5%	3.0%
Total	100.0%	100.0%	0.0%
<u><i>DWI</i></u>			
Probation or CSS	68.1%	55.9%	-12.3%
120day Shock	19.6%	30.9%	11.3%
Prison	12.3%	13.2%	1.0%
Total	100.0%	100.0%	0.0%

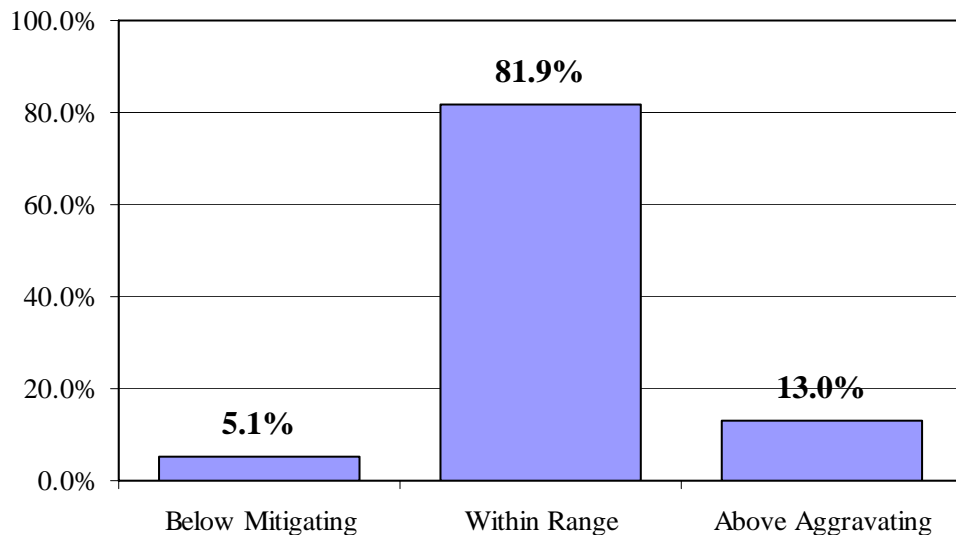
(LS50)

6. Compliance and the Recommended Mitigating, Presumptive and Aggravating Range

The SAR includes the Mitigating, Presumptive and Aggravating recommended sentences but the SAR does not indicate a preferred recommended sentence. Although the three recommended sentences are intended to be considered as three alternative sentences depending upon offense circumstances they may be also be considered as a range. The following analysis compares the actual sentence to the range from Mitigating to Aggravating. The decision whether an actual sentence is within or outside the range is based upon the sentence disposition when the actual sentence was not a prison sentence (Probation, CSS or Shock/Treatment). If the actual sentence was a prison sentence then compliance is whether the prison term was within the recommended range of sentence years.

Overall 81.9% of sentences are within the Mitigating to Aggravating range. There were 5.1% below the mitigating sentence and 13% above the aggravating sentence. When the actual sentence was prison the compliance percent is lower (41.4%).

**Actual Sentences Compared to
Recommended Sentence Range**



ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE

Actual Sentence	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Prison	20	3.8%	216	41.4%	286	54.8%	522	100.0%
120day Shock	43	10.4%	325	78.7%	45	10.9%	413	100.0%
Probation/CSS	66	4.1%	1,541	95.9%	-	0.0%	1,607	100.0%
Total	129	5.1%	2,082	81.9%	331	13.0%	2,542	100.0%

(LS51)

7. Compliance and the Prior Criminal History Level

- The Recommended Sentences increase in severity for offenders with more extensive prior criminal history. The SAR data indicates that the actual sentencing is also more severe when measured against the higher Recommended Sentences Prior Criminal History Levels

For offenders who were:

Level 1	11.4% received a prison sentence
Level II	20.8% received a prison sentence
Level III	38.0% received a prison sentence
Level IV	41.9% received a prison sentence
Level V	46.4% received a prison sentence

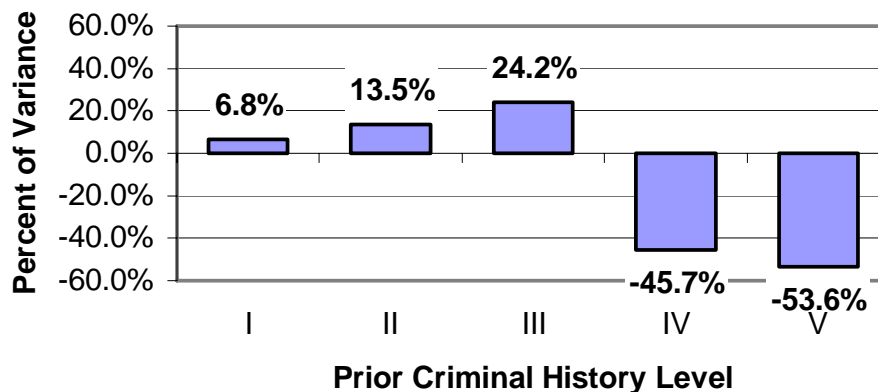
Offense Group	Prior Criminal History				
	Level 1	Level 2	Level 3	Level 4	Level 5
	No felonies & no more than 3 misd	No prison & 1 or 2 felonies	One prison or 3 felonies	Two prison or 4 felonies	3 or more prison or 5 or more felonies
<i>Violent</i>					
Percent Prison	37.6%	53.3%	75.0%	77.8%	69.2%
Average Sentence	12.2	13.6	11.7	21.4	19.8
<i>Sex & Child Abuse</i>					
Percent Prison	45.3%	73.5%	87.5%	81.8%	75.0%
Average Sentence	10.0	13.1	15.4	9.1	26.7
<i>NonViolent</i>					
Percent Prison	5.3%	13.7%	30.9%	33.3%	40.0%
Average Sentence	3.7	4.0	3.6	4.3	3.5
<i>Drug</i>					
Percent Prison	3.3%	11.4%	26.2%	37.0%	50.0%
Average Sentence	7.2	6.7	5.2	7.1	7.5
<i>DWI</i>					
Percent Prison	3.3%	5.7%	35.1%	33.3%	35.7%
Average Sentence	3.3	3.7	3.5	2.7	2.9
<i>All Offense Groups</i>					
Prison	11.4%	20.8%	38.0%	41.9%	46.4%
Average Sentence	9.5	9.6	7.6	8.1	8.2

(LS53)

- The level of compliance, however, varies significantly by the prior criminal history level. Offenders with many prior convictions and incarcerations are likely to receive a more lenient sentence than the recommended presumptive sentence (Levels 4 and 5). Offenders with a level 3

history are most likely to be sentenced more severely than the presumptive recommended sentence.

The Difference between the Percent of Offenders who receive a Prison Sentence and the Percent of Offenders who are Recommended a Prison Sentence



8. Compliance By Sentencing County

The metro areas have a lower compliance than the first class counties and the rural counties, particularly Jackson County (72.1%) and St. Louis County (76.2%).

ACTUAL SENTENCE COMPARED TO THE RECOMMENDED SENTENCE RANGE BY REGIONS

Circuits	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Jackson County	8	9.1%	65	73.9%	15	17.0%	88	100.0%
St. Louis County	7	4.8%	116	79.5%	23	15.8%	146	100.0%
St. Louis City	10	8.8%	85	75.2%	18	15.9%	113	100.0%
Metro	25	7.2%	266	76.7%	56	16.1%	347	100.0%
First Class	70	4.8%	1210	82.7%	183	12.5%	1463	100.0%
Rural	34	4.6%	606	82.8%	92	12.6%	732	100.0%
Total	129	5.1%	2082	81.9%	331	13.0%	2542	100.0%

(LS59)

The lower compliance may be the result of the metro areas having more violent crimes (which have lower compliance) than the rural areas but the rural areas do tend to sentence more severely for crimes of the same type.

There are two counties with 100% compliance within the recommended sentencing range: Scott and Mississippi in the Bootheel.

**SENTENCING COUNTIES RANKED BY COMPLIANCE
PERCENTAGE WITHIN THE RANGE OF MITIGATING AND AGGRAVATING**

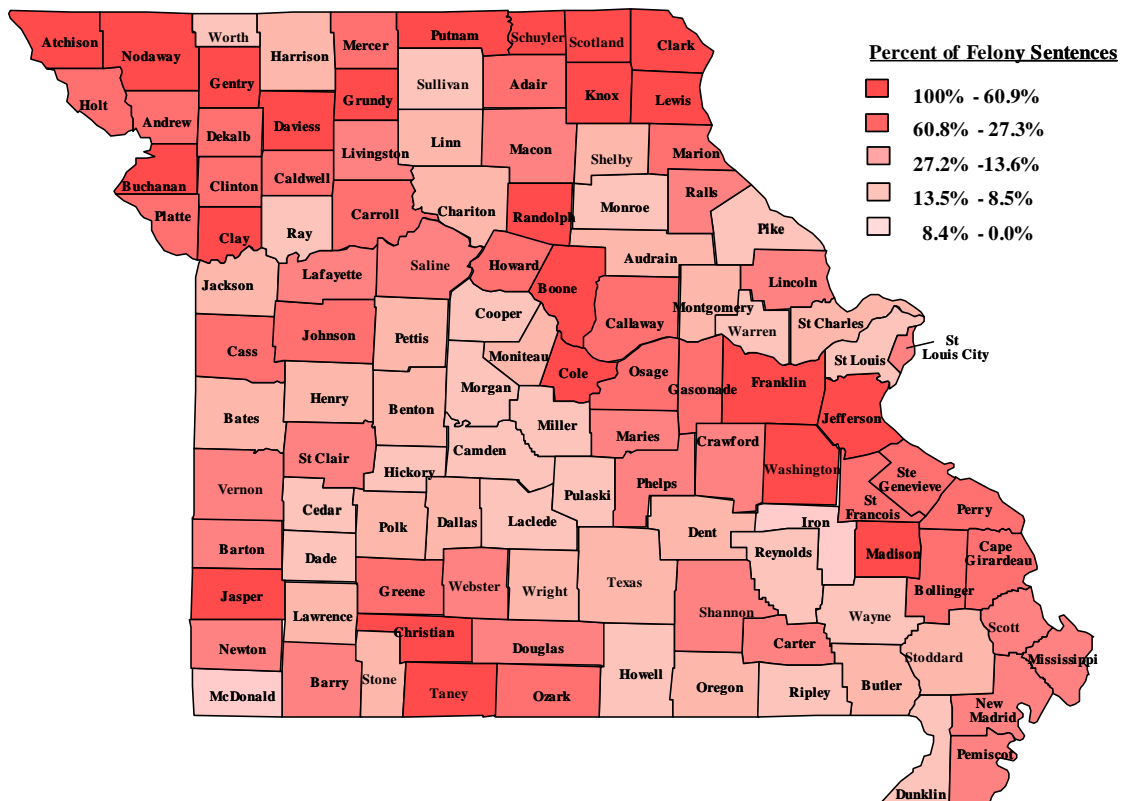
County	Below Mitigating		Within the range of Mitigating to Aggravating		Above Aggravating		Total	
	#	%	#	%	#	%	#	%
Scott	0	0%	20	100%	0	0.0%	20	100%
Mississippi	0	0%	11	100%	0	0.0%	11	100%
Callaway	0	0%	31	97%	1	3.1%	32	100%
Adair	0	0%	23	96%	1	4.2%	24	100%
St. Genevieve	0	0%	12	92%	1	7.7%	13	100%
Franklin	5	3%	141	92%	7	4.6%	153	100%
Davies	0	0%	11	92%	1	8.3%	12	100%
Phelps	0	0%	11	92%	1	8.3%	12	100%
Christian	0	0%	75	91%	7	8.5%	82	100%
Cass	3	6%	46	90%	2	3.9%	51	100%
Jefferson	5	5%	96	90%	6	5.6%	107	100%
Taney	0	0%	49	89%	6	10.9%	55	100%
Grundy	1	6%	16	89%	1	5.6%	18	100%
Gasconade	0	0%	25	86%	4	13.8%	29	100%
Greene	5	5%	78	86%	8	8.8%	91	100%
St. Francois	1	2%	51	85%	8	13.3%	60	100%
Johnson	1	8%	11	85%	1	7.7%	13	100%
Clark	2	11%	16	84%	1	5.3%	19	100%
Platte	0	0%	10	83%	2	16.7%	12	100%
Cape Girardeau	3	2%	101	83%	18	14.8%	122	100%
Jasper	2	3%	63	82%	12	15.6%	77	100%
Lafayette	0	0%	9	82%	2	18.2%	11	100%
Cole	4	6%	53	82%	8	12.3%	65	100%
Perry	3	7%	35	81%	5	11.6%	43	100%
Nodaway	1	7%	12	80%	2	13.3%	15	100%
Boone	14	8%	135	79%	21	12.4%	170	100%
St. Louis Cnty	7	5%	113	78%	24	16.7%	144	100%
Marion	0	0%	14	78%	4	22.2%	18	100%
St. Charles	1	3%	23	77%	6	20.0%	30	100%
Buchanan	14	5%	204	76%	52	19.3%	270	100%
Lewis	1	8%	9	75%	2	16.7%	12	100%
St. Louis City	14	12%	89	75%	16	13.4%	119	100%
Jackson	8	10%	61	73%	15	17.9%	84	100%
Randolph	8	20%	29	73%	3	7.5%	40	100%
Clay	7	8%	60	71%	18	21.2%	85	100%
Washington	0	0%	9	69%	4	30.8%	13	100%
Crawford	4	20%	13	65%	3	15.0%	20	100%
New Madrid	2	18%	7	64%	2	18.2%	11	100%
Lincoln	3	16%	12	63%	4	21.1%	19	100%
Pemiscot	0	0%	10	63%	6	37.5%	16	100%
Saline	0	0%	6	55%	5	45.5%	11	100%
Total	119	5%	1800	81%	290	13%	2209	100%

9. Which Counties are requesting SARs

Overall 30% of new sentences have a requested pre-sentence investigation but the rate at which investigations are requested varies greatly around the state. Some counties typically request a SAR while other counties rarely request. The analysis below is a comparison of the new sentences received by the DOC in 2005 with the sentencing county of the requested SAR since the statewide implementation in November 2005. Because the SAR data is only for 7 months the count has been annualized. For small counties the doubling may be inaccurate and possibly explains why some counties have more than 100%.

Counties that usually request an investigation include Buchanan, Boone, Christian, Clay, Franklin, Jasper, Platte and Washington. Among the counties that rarely request an investigation are Jackson and the St. Louis metro area (City, County and St Charles).

Sentencing Assessment Reports (SAR) as a Percent of Felony Sentences in 2005



UTILIZATION OF SAR FOR NEW SENTENCING

County	CY05 New Felony Sentences	Annualized SAR Request Since Nov 1	Percent of New Felony Sentences	County	CY05 New Felony Sentences	Annualized SAR Request Since Nov 1	Percent of New Felony Sentences
Adair	96	50	52%	Livingston	82	22	27%
Andrew	34	17	50%	Macon	90	17	19%
Atchison	16	17	106%	Madison	22	17	77%
Audrain	148	19	13%	Maries	20	5	25%
Barry	232	34	15%	Marion	139	41	29%
Barton	62	14	23%	Mcdonald	120	3	3%
Bates	123	12	10%	Mercer	22	9	41%
Benton	81	9	11%	Miller	158	2	1%
Bollinger	37	12	32%	Mississippi	121	27	22%
Boone	586	502	86%	Moniteau	67	7	10%
Buchanan	516	432	84%	Monroe	37	3	8%
Butler	184	19	10%	Montgomery	92	9	10%
Caldwell	33	17	52%	Morgan	119	7	6%
Callaway	171	94	55%	New Madrid	168	29	17%
Camden	243	9	4%	Newton	151	46	30%
Cape Girardeau	282	139	49%	Nodaway	50	39	78%
Carroll	33	14	42%	Oregon	24	3	13%
Carter	22	3	14%	Osage	22	10	45%
Cass	251	125	50%	Ozark	22	7	32%
Cedar	81	2	2%	Pemiscot	228	39	17%
Chariton	49	7	14%	Perry	93	51	55%
Christian	177	161	91%	Pettis	177	22	12%
Clark	43	48	112%	Phelps	207	45	22%
Clay	408	382	94%	Pike	60	5	8%
Clinton	64	41	64%	Platte	214	62	29%
Cole	272	218	80%	Polk	115	15	13%
Cooper	100	7	7%	Pulaski	170	15	9%
Crawford	232	45	19%	Putnam	22	17	77%
Dade	27	-	0%	Ralls	27	7	26%
Dallas	82	10	12%	Randolph	194	142	73%
Davies	42	43	102%	Ray	138	7	5%
Dekalb	59	26	44%	Reynolds	50	-	0%
Dent	94	9	10%	Ripley	41	-	0%
Douglas	30	7	23%	Saline	174	34	20%
Dunklin	336	26	8%	Schuyler	16	10	63%
Franklin	282	235	83%	Scotland	21	14	67%
Gasconade	76	24	32%	Scott	242	69	29%
Gentry	9	14	156%	Shannon	19	5	26%
Greene	903	413	46%	Shelby	47	7	15%
Grundy	45	58	129%	St. Charles	870	84	10%
Harrison	32	3	9%	St. Clair	50	10	20%
Henry	96	10	10%	St. Genevieve	71	29	41%
Hickory	29	2	7%	St. Francois	226	151	67%
Holt	19	10	53%	St. Louis City	2,303	422	18%
Howard	40	21	53%	St. Louis Cnty	2,471	209	8%
Howell	159	9	6%	Stoddard	246	26	11%
Iron	80	2	3%	Stone	146	15	10%
Jackson	2,377	334	14%	Sullivan	35	2	6%
Jasper	388	314	81%	Taney	198	137	69%
Jefferson	489	398	81%	Texas	99	14	14%
Johnson	161	87	54%	Vernon	90	17	19%
Knox	13	12	92%	Warren	203	17	8%
Laclede	217	15	7%	Washington	140	106	76%
Lafayette	303	57	19%	Wayne	66	2	3%
Lawrence	199	29	15%	Webster	160	27	17%
Lewis	30	34	113%	Worth	5	-	0%
Lincoln	248	53	21%	Wright	81	7	9%
Linn	47	5	11%	Total	22,729	6,853	30%

(LS62)

10. Investigations by type of Offender

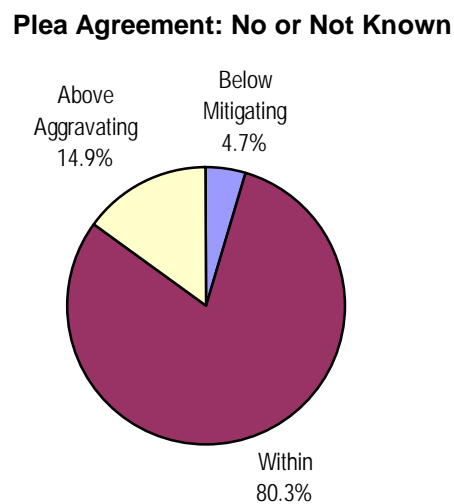
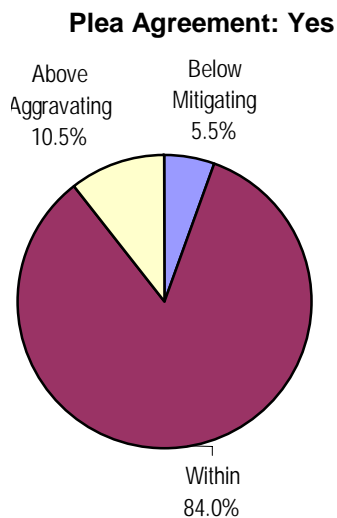
Most investigations are for new sentencing of offenders who were not under supervision at the time of the offense. For offenders on probation or parole with new sentences the percent who have a requested investigation is lower. In over 50% of drug court cases the courts request a report from Probation and Parole. In such cases the courts might appreciate a report based upon the SAR format.

New Sentences in 2005 and Court Requests for an Investigation

Status of Offender	Felony Sentences	P&P Investigation	Percent Requested
Diversion (drug court)	911	478	52.5%
New Commitment/Probation	18,414	6,207	33.7%
Probation Revocation	1,055	208	19.7%
120 Day Probation Revocation	269	47	17.5%
Parole Revocation	4,971	545	11.0%
Total	25,620	7,485	29.2%

11. Plea Agreements

As about 80% of offenders who are incarcerated by the DOC have pleaded guilty rather than been found guilty by trial, understanding how plea agreements work with the SAR is important. Plea agreements are known to have been made in 43% of sentencing for which SARs have been requested. The compliance rate with recommended sentence is higher for the cases when there is a plea agreement.



Plea agreements in sentencing

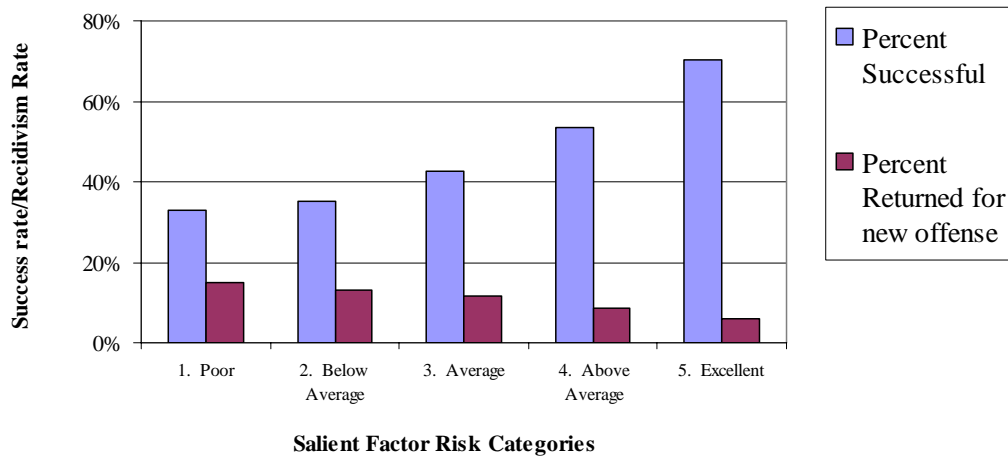
Plea	Below	Within	Above	Total	Percent
Y	60 5.5%	914 84.0%	114 10.5%	1088	43%
N	58 5.1%	883 78.3%	186 16.5%	1127	44%
Other	11 3.4%	285 87.2%	31 9.5%	327	13%
All	129 5.1%	2082 81.9%	331 13.0%	2542	100%

12. Risk Assessment and Sex Offenders

The topic that has generated most comment in the press has been the risk assessment and particularly when applied to sex offenders.

The SAR risk assessment was adapted from the salient factor risk score used by the Board of Probation and Parole. The salient factor score has been recently validated by tracking the outcomes after three years of offenders released from prison in fiscal year 2001. For offenders who had been scored as Excellent, the lowest risk, 70% of offenders had either been discharged from the sentence or still under supervision without a revocation of parole. For the highest risk (Poor) only 33% of offenders were successful after three years.

Outcome of FY01 Releases After Three years



FY01 First Releases

Position up to June 30, 2004 (Three years out)

SF Score	Parole Releases	Success	Percent Releases	Percent Success	Law Violations	Percent Law
Poor	227	75	7%	33%	34	15%
Below Average	477	168	16%	35%	63	13%
Average	806	344	26%	43%	94	12%
Above Average	841	451	28%	54%	72	9%
Excellent	704	494	23%	70%	42	6%
Total	3,055	1,532	100%	50%	305	10%

Sex offenders released from prison normally have lower recidivism rates than other offenders. The average recidivism rates for new conviction and incarceration after 5 years of sex offenders is 8.7% compared to 17.3% for other violent offenders and 21.3% for non-violent offenders.

Average Recidivism for Prison Releases from 1995 to 2005

Offense	Releases	Percent Returned within				
		6mths	12 mths	2 yrs	3 yrs	5 yrs
		Return to Prison for Technical or Law Violation				
Sex Offenses	2,773	6.1	13.0	22.4	27.8	33.2
Other Violent Offenses	7,576	8.8	18.5	32.3	39.5	46.8
Non violent Offenses	34,742	13.7	25.4	39.8	46.2	51.8
		Returned with New Conviction & Incarceration				
Sex Offenses	2,773	0.2	0.7	2.6	5.4	8.7
Other Violent Offenses	7,576	0.3	1.7	6.0	10.1	17.3
Non violent Offenses	34,742	0.5	2.8	8.5	13.5	21.3
		New Conviction				
Sex Offenses	2,773	0.4	1.2	4.0	7.8	13.9
Other Violent Offenses	7,576	0.6	2.4	8.2	13.7	24.2
Non violent Offenses	34,742	1.3	4.4	12.2	19.3	31.0

Sex Offender Assessment: STATIC-99

The Board of Probation and Parole intends to use a sex assessment instrument in fiscal year 2007 and incorporate the results into the SAR. The instrument is the STATIC-99 developed by Hanson and Thornton in 1999.

http://ww2.psepc-sppcc.gc.ca/publications/corrections/pdf/Static-99-coding-Rules_e.pdf

The risk assessment was based upon follow up data of 1,301 sex offenders in Canada and the UK. The recidivism rates for new sex offenses after 5 years for the group was 18% but for the offenders who were scored as low risk the recidivism percentage was 9% or less. These rates are higher than DOC rates.

STATIC-99 Recidivism Percentages by Risk Level

	Risk Score	Sexual Recidivism		
		5 years	10 years	15 years
Lowest Risk	0	5%	11%	13%
	1	6%	7%	7%
	2	9%	13%	16%
	3	12%	14%	19%
	4	26%	31%	36%
	5	33%	38%	40%
Highest Risk	6	39%	45%	52%
All Sex Offenders	3.5	18%	22%	26%

13. Proposed changes to the Recommended Sentences Changes in FY 2007

Based upon the analysis of the SAR compliance and of all new sentences of offenders received by the DOC in 2005 the Commission has approved some changes to the recommended sentences. The changes are still draft at present until the offense severity analysis using the sentencing data for fiscal year 2006 is completed. The changes will increase the presumptive and aggravating sentences for Violent Class A, High severity (Murder 2nd degree) for prior criminal history levels I and II and increase the aggravating sentences and some presumptive sentences for Sex and Child Abuse Class A and Class B (Forcible Rape, Forcible Sodomy, Statutory Rape 1st degree, Statutory Sodomy 1st degree and Child Molestation 1st degree for prior criminal history levels I and II.

The Board of Probation and Parole have introduced revised time served guidelines for non-violent and drug offenders including separate guidelines for male and female non-violent and drug offenders. When the new guidelines are introduced the guideline percent of sentence to be served will be amended in the SAR and the electronic versions of the SAC Annual Report and User Guide will be updated.